

REMARKS

Claims 1-21 were pending in this application.

Claims 1-21 have been rejected.

No claims have been amended.

Claims 1-21 remain pending in this application.

Reconsideration and full allowance of Claims 1-21 are respectfully requested.

I. REJECTION UNDER 35 U.S.C. § 102

The Office Action rejects Claims 1-21 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,787,179 to Ogawa et al. (“Ogawa”). The Applicants respectfully traverse this rejection.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. (*MPEP* § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990)). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. (*MPEP* § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985)).

Ogawa recites a method for scrambling part of a data stream using a random number generator. (*Abstract*). The data stream includes PES packets each having a packet header and packet data. (*Col. 5, Lines 65-66*). The packet header includes presentation time stamp (“PTS”) data. (*Col. 5, Line 67 – Col. 6, Line 4*). The packet data includes image data or audio data. (*Col.*

6, *Lines 4-5*). A scrambling circuit (element 23) includes a data hold circuit (element 26) for storing the PTS data. (*Col. 6, Lines 32-36*). The scrambling circuit also includes a selection circuit (element 27) that provides either the PTS data in the data hold circuit or random numbers from a random number generator (element 24) to the random number generator. (*Col. 6, Lines 37-41*). In this way, the PTS data is used as the initial input for the random number generator, and after that the random numbers produced by the random number generator are fed back to the random number generator. (*Col. 6, Lines 41-49*). The output of the random number generator is provided to an XOR gate (element 28), which performs an XOR operation using the random numbers and the output of an MPEG encoder (element 22). (*Col. 6, Lines 54-58*). This scrambles a portion of the data stream. (*Col. 6, Lines 54-58*). A descrambling circuit (element 31) operates in a reverse manner to descramble the data stream. (*Col. 7, Lines 10-65*).

The scrambling and descrambling mechanisms of *Ogawa* do not in any way use a “reference clock signal” to scramble or descramble PES packet data. Instead, *Ogawa* scrambles and descrambles the packet data using random numbers. While the initial input used by the random number generator represents a presentation time stamp, the output of the random number generator is not a “reference clock signal.” As a result, *Ogawa* does not extract “presentation time stamps” from “packetized elementary streams” and provide selected presentation time stamps to a clock generator capable of generating a “reference clock signal” as recited in Claims 1 and 8. Similarly, *Ogawa* does not extract “presentation time stamps” from “packetized elementary streams” and generate a “reference clock signal” using selected presentation time stamps as recited in Claim 15.

Ogawa does recite that part of the data scrambled and descrambled by the circuits of *Ogawa* could represent program clock reference (“PCR”) data. (*Col. 11, Lines 9-14*). However, *Ogawa* clearly distinguishes between “presentation time stamps” and PCR data. Because of this, *Ogawa* fails to anticipate extracting, selecting, and using “presentation time stamps” as recited in Claims 1, 8, and 15.

For these reasons, the Office Action fails to establish that *Ogawa* anticipates all elements of Claims 1, 8, and 15 (and their dependent claims). Accordingly, the Applicants respectfully request withdrawal of the § 102 rejection and full allowance of Claims 1-21.

II. CONCLUSION

As a result of the foregoing, the Applicants assert that all claims in this application are in condition for allowance and respectfully request allowance of such claims.

SUMMARY

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication (including any extension of time fees) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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